

CHARTER TOWNSHIP OF COMSTOCK

ORDINANCE NO. 538

ADOPTED: March 18, 2024

EFFECTIVE: UPON PUBLICATION

An Ordinance to amend Township Ordinance No. 524, Cemetery Regulations, which is compiled at Section 140.000 of the General Compilation of Township Ordinances Charter Township of Comstock, to provide for severability, to repeal all ordinances or parts of ordinances in conflict herewith, and to provide an effective date.

**CHARTER TOWNSHIP OF COMSTOCK
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION I

**AMENDMENT OF SECTION 140.004 OF THE CEMETERY REGULATIONS
GENERAL COMPILATION OF TOWNSHIP ORDINANCES**

Section 140.004, Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

140.004 Sale of lots or burial spaces.

Sec. IV.

- A. Hereafter, cemetery lots or burial spaces shall be sold to residents and non-residents of the Charter Township of Comstock. In the event that there are a limited number of cemetery lots or burial spaces available, then and in such event sales shall be to residents, non-resident taxpayers, and non-residents who are not taxpayers of the Township in that order of priority. The Township Board of the Charter Township of Comstock shall have the right and authority to charge different purchase prices among those classes of persons eligible to purchase cemetery lots or burial spaces so long as there is no discrimination among persons of a particular class of purchasers.
- B. All such sales shall be made on a form approved by the Township Board which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by a Township Official.
- C. Each burial space/plot sold must, at the time of sale, indicate the full legal name and date of birth of the individual to be buried in that plot. Burial spaces/plots shall not be sold unless such information is provided at the time of sale. It is the

responsibility of the burial space/plot owner to keep such burial information current by providing updates in writing to the Sexton or other Township Official in charge of cemetery management. If a purchaser is unwilling to designate who will be buried in any space, then they shall be given the option to designate a co-owner who shall then have the authority to designate who may use the space upon the death of the purchaser, subject to all other terms of this Ordinance.

- D. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery lots or burial spaces within the Township and may be affected only by endorsement or an assignment of such lot certificate in writing upon the lot certificate issued by the Township and by subsequent written approval by a Township Official of the certificate transfer. The assignment of any lot certificate, once approved by said Township Official, shall be entered upon the official records of the Township. Upon such new assignment, approval and record, said Official shall issue a new lot certificate to the assignee and shall cancel and terminate the original certificate on the Township's records. They can then reassign the unused interment spaces subject to any vested rights of interments or waiver thereof.
- E. In the event that the owner of a cemetery lot, burial space and/or plot is deceased, and if the deceased owner did not specifically devise and/or transfer the cemetery lot, burial space and/or plot in his or her will or through another testamentary directive, the deceased owner's heirs will, upon proper application and presentation of proofs to the Township Official, inherit and/or otherwise be eligible for transfer of the deceased owner's cemetery lot, burial space and/or plot. Any persons making such claim shall provide the Township Official with an affidavit as to the death of the deceased owner (attaching the certified death certificate) along with a probate order to transfer title or other proof of the right to the cemetery lot, burial space and/or plot. Upon such proofs, the new owner of the cemetery lot, burial space and/or plot can then reassign the unused cemetery lot, burial space and/or plot subject to any vested rights or waiver thereof or sell unused plots back to the Township.

SECTION II

AMENDMENT OF SECTION 140.006 SUBSECTION C OF THE CEMETERY REGULATIONS GENERAL COMPILATION OF TOWNSHIP ORDINANCES

Section 140.006 Subsection C, Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

- C. A single marker shall not be wider than 44" inches (48" including the foundation) or 20" in depth (24" with foundation), including overhang. In the event that one upright monument, marker or memorial is dedicated to the use of two or more burial spaces, then and in such event, such monument, marker or memorial shall be centered, as nearly as practical, among these contiguous burial spaces to which such monument, marker or memorial is dedicated. The marker needs to be no larger

than 92” long (96” with foundation) and 20” in depth (24” with foundation). A monument shall stand upright no higher than 48”. The cremation-only plots will have a pre-poured foundation that connects all of the graves in that row. The regulations above apply.

SECTION III

AMENDMENT OF THE TITLE FOR SECTION 140.007 OF THE CEMETERY REGULATIONS GENERAL COMPILATION OF TOWNSHIP ORDINANCES

The title of Section 140.007 Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

140.007 Interment regulations – Regular (Full Size) Graves

SECTION IV

AMENDMENT TO ADD A NEW SECTION 140.007.A TO THE CEMETERY REGULATIONS GENERAL COMPILATION OF TOWNSHIP ORDINANCES

A new Section 140.007.A of the Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby added to read as follows:

140.007.A Interment Regulations – Cremation Only Plots

Sec.VII.A

- A. In addition to Regular (Full Size) Graves, the Township may also designate, in its discretion, Cremation-Only plots within the cemetery.
- B. Except as provided in this section, two (2) cremation internments in separate containers may be buried in a cremation-only plot.
- C. Only one (1) permanent marker, memorial or monument may be placed on said burial space.
- D. A request for the opening of a burial space requires not less than 36-hour advance notice to the Township. The Township will make every effort to accommodate the request for burial based on availability of the excavator and/or other Township equipment and personnel. All weekend burials must be requested by 4:00pm the Wednesday prior and all Monday burials (or Tuesday if Monday is a holiday) must be requested by 4:00pm on the Thursday prior.
- E. The appropriate permit for the burial space involved, together with the appropriate identification of the person to be buried therein, when necessary, shall be presented to the Township Official prior to interment. Where such permit has been lost or destroyed, the Township Official shall be satisfied, from his or her records, that the

person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

- F. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable State or County agency, governmental unit or official, and a copy of the same has been filed with the Township Official.
- G. The Township Board shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

SECTION V

AMENDMENT TO ADD A NEW SECTION 140.007.B TO THE CEMETERY REGULATIONS GENERAL COMPILATION OF TOWNSHIP ORDINANCES

A new Section 140.007.B of the Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby added to read as follows:

140.007.B Columbarium Regulations

Sec.VII.B

- A. The Township may also provide a columbarium(s) for the burial of cremains within the cemetery.
- B. Each columbarium niche will consist of a uniform required bronze plaque. The Township shall provide the option to engrave the last name, first name and middle initial of the deceased and their year of birth and death on the plaque, and the choice of one emblem. Veterans are allowed two emblems, one “regular” and one additional military emblem for an additional charge as determined by the Township Board.
- C. No more than two standard-size urns shall be allowed within a single columbarium niche. An opening and closing fee will be applied as determined by the Township Board.
- D. Cleaning of the columbarium shall be performed by the Township only.
- E. Decorations of any kind are not allowed, with the exception of flowers placed at the base of the columbarium 10 days post-interment, after which time they shall be removed.

SECTION VI

**AMENDMENT TO ADD A NEW SUBSECTION C TO SECTION 140.009 OF THE
CEMETERY REGULATIONS GENERAL COMPILATION OF TOWNSHIP
ORDINANCES**

A new Subsection C to Section 140.009 of the Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby added to read as follows:

- C. It shall be the responsibility of the lot owner to keep their address up-to-date in writing to the Township Sexton or other Official tasked with cemetery management.

SECTION VII

**AMENDMENT OF SECTION 140.012 OF THE CEMETERY REGULATIONS
GENERAL COMPILATION OF TOWNSHIP ORDINANCES**

Section 140.012 of the Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

140.012 Vault.

Sec. XII.

All full burials shall be within a standard concrete vault installed or constructed in each burial space before interment. Cremated remains shall be placed within a sturdy container (no plastic bags).

SECTION VIII

**AMENDMENT OF SECTION 140.017 OF THE CEMETERY REGULATIONS
GENERAL COMPILATION OF TOWNSHIP ORDINANCES**

Section 140.017 of the Cemetery Regulations, of the Compilation of General Ordinances Charter Township of Comstock, is hereby amended to read as follows:

140.017 Interpretation/Appeals to the Township Board

Sec. XVII.

Any question of interpretation of the provisions of this Ordinance may be brought before the Township Board. The Township Board may also hear appeals for any determination made by a Township Official under this Ordinance.

SECTION IX
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION X
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XI
EFFECTIVE DATE

This Ordinance shall take effect thirty days following publication after adoption.

Nicole Beauchamp, Clerk
Charter Township of Comstock